



State of Wisconsin  
Department of Health Services

---

Jim Doyle, Governor  
Karen E. Timberlake, Secretary

**Testimony of Glenn Larson  
Department of Health Services  
Senate Bill 492**

**Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform and Housing  
February 8, 2010**

Madam Chair and members of the Judiciary, Corrections, Insurance, Campaign Finance Reform and Housing Committee, thank you for considering SB 492. My name is Glenn Larson and I am the Community Forensic Services Manager at the Department of Health Services. I'll briefly describe why the Department wants these changes in the outpatient competency restoration statute.

We would like to change an inconsistency in the statute. Current law states that the court shall suspend the proceedings and commit the defendant to the custody of the Department of Health Services in order for the department to determine whether treatment shall occur in an appropriate institution designated by the department, or in a community based treatment conducted in a jail or locked unit of a facility that has entered into a voluntary agreement with the state to serve as a location of treatment, or as a condition of bail or bond.

The outpatient competency restoration pilot began in Milwaukee County in 2008. Since then, judges in Milwaukee County raised a concern with the part of the current language which requires the proceedings to be suspended and that treatment occur as a condition of bond or bail. Suspending the proceedings conflicts with placing a defendant on bail or bond as bail or bond can not technically be granted once the proceedings are suspended. Therefore, the current language presents technical implementation issues. The Department has been working with Milwaukee county judges and they have approved the changes in this bill.

The bill corrects the problem of bail or bond, eliminating the option that treatment occur as a condition of bond or bail. It also provides an alternate process for transferring a person to an inpatient setting and a mechanism for that transportation to occur, if the person is not appropriate for outpatient treatment.

Thank you for your consideration. Please feel free to ask me any questions you may have.